

1 BILL NO. R-83-*12-08*

2
3 RESOLUTION NO. R-*127-83*

4 AN AMENDED
5 RESOLUTION FINDING, DETERMINING
6 AND RATIFYING AN INDUCEMENT RESOLUTION
7 OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION
8 AUTHORIZING THE ISSUANCE AND SALE OF
\$2,500,000.00 ECONOMIC REVENUE BONDS OF THE
CITY OF FORT WAYNE, INDIANA,
FOR THE PURPOSE OF INDUCING THE APPLICANT,
FORT WAYNE ORTHOPAEDICS P.C. OR ITS ASSIGNS
TO PROCEED WITH THE ACQUISITION
CONSTRUCTION AND EQUIPPING OF THE PROJECT.

9
10 WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is
11 authorized by I.C. Sec. 36-7-12 (the "Act") to issue revenue
12 bonds for the financing of economic development facilities, the
13 funds from said financing to be used for the acquisition,
14 construction and equipping of said facilities, and said facilities
15 to be either sold or leased to another person or directly
owned by another person; and

16 WHEREAS, Fort Wayne Orthopaedics P.C. or Its Assigns (the
17 "Applicant") has advised the Fort Wayne Economic Development
18 Commission and the Issuer that it proposes that the Issuer
19 acquire and equip an economic development facility and sell
20 and/or lease the same to the Applicant or loan proceeds of an
economic development financing to the Applicant for the same,
22 said economic development facility to be purchase of real
estate and construction of a medical office facility at the
23 southwest corner of Lafayette and Superior Streets in Fort
24 Wayne, Indiana, including costs of issuance (the "Project"); and

25 WHEREAS, the diversification of industry and an increase in
26 4 jobs initially and 7 jobs within three years to be achieved by
acquisition and construction and equipping of the Project will
28 be of public benefit to the health, safety and general welfare
29 of the Issuer and its citizens; and

30 WHEREAS, having received the advice of the Fort Wayne
31 Economic Development Commission, it would appear that the
32

1 financing of the Project would be of public benefit to the
2 health, safety and general welfare of the Issuer and its
3 citizens; and

4 WHEREAS, the acquisition and construction of the faci-
5 lity will not have an adverse effect on any similar facility
6 already constructed or operating in or about Fort Wayne,
7 Indiana.

8 NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF
9 THE CITY OF FORT WAYNE, INDIANA:

10 SECTION 1. The Common Council finds, determines, rati-
11 fies and confirms the promotion of diversification of economic
12 development and job opportunities in and near Fort Wayne,
13 Indiana and in Allen County, is desirable to preserve the
14 health, safety and general welfare of the citizens of the
15 Issuer; and that it is in the public interest that Fort Wayne
16 Economic Development Commission and said Issuer take such action
17 as it lawfully may to encourage diversification of industry and
18 promotion of job opportunities in and near said Issuer.

19 SECTION 2. The Economic Development Commission in
20 recommending the project, found specifically that the project
21 will not have an adverse competitive effect on similar facilities
22 already constructed or operating in Allen County, Indiana, and
23 the Common Council has also held a hearing and specifically finds
24 that the project will not have an adverse competitive effect on
25 similar facilities already constructed or operating in Allen
26 County, Indiana.

27 SECTION 3. The Common Council further finds, deter-
28 mines, ratifies and confirms that the issuance and sale of reve-
29 nue bonds in an amount not to exceed \$2,500,000.00 of the Issuer
30 under the Act for the acquisition, construction and equipping of
31 the Project and the sale or leasing of such a financing to the
32 Applicant for such purposes will serve the public purpose

1 referred to above, in accordance with the Act.

2 SECTION 4. In order to induce the Applicant to proceed
3 with the acquisition, construction and equipping of the Project,
4 the Common Council hereby finds, determines, ratifies and con-
5 firms that (i) it will take or cause to be taken such actions
6 pursuant to the Act as may be required to implement the afore-
7 said financing, or as it may deem appropriate in pursuance
8 thereof, provided that all of the foregoing shall be mutually
9 acceptable to the Issuer and the Applicant; and (ii) it will
10 adopt such ordinances and resolutions and authorize the execu-
11 tion and delivery of such instruments and the taking of such
12 action as may be necessary and advisable for the authorization,
13 issuance and sale of said economic development bonds.

14 SECTION 5. All costs of the Project incurred after the
15 passage of this Inducement Resolution, including disbursement or
16 repayment of the Applicant of monies expended by the Applicant
17 for planning, engineering, interest paid during construction,
18 underwriting expenses, attorney and bond counsel fees, acquisi-
19 tion, construction and equipping of the Project will be per-
20 mitted to be included as part of the bond issue to finance said
21 Project, and the Issuer will thereafter either sell or lease the
22 same to the Applicant or loan the proceeds of such financing to
23 the Applicant for the same purposes.

24

25 COUNCILMAN

26 APPROVED AS TO FORM AND
27 LEGALITY.

28 
29 John J. Wernet, Attorney for the
Economic Development Commission
30 Dated this 22 day of December, 1983

1 BILL NO. R-83-12-08

2 RESOLUTION NO. R-127-83

3 A RESOLUTION FINDING, DETERMINING
4 AND RATIFYING AN INDUCEMENT RESOLUTION
5 OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION
6 AUTHORIZING THE ISSUANCE AND SALE OF
7 \$2,500,000.00 ECONOMIC REVENUE BONDS OF THE
8 CITY OF FORT WAYNE, INDIANA,
9 FOR THE PURPOSE OF INDUCING THE APPLICANT,
10 FORT WAYNE ORTHOPAEDICS P.C.
11 TO PROCEED WITH THE ACQUISITION
12 CONSTRUCTION AND EQUIPPING OF THE PROJECT.

13 WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is
14 authorized by I.C. Sec. 36-7-12 (the "Act") to issue revenue
15 bonds for the financing of economic development facilities, the
16 funds from said financing to be used for the acquisition,
17 construction and equipping of said facilities, and said facili-
18 ties to be either sold or leased to another person or directly
19 owned by another person; and

20 WHEREAS, Fort Wayne Orthopaedics P.C. (the "Applicant") has
21 advised the Fort Wayne Economic Development Commission and the
22 Issuer that it proposes that the Issuer acquire and equip an eco-
23 nomic development facility and sell and/or lease the same to the
24 Applicant or loan proceeds of an economic development financing to
25 the Applicant for the same, said economic development facility to
26 be purchase of real estate and construction of a medical office
27 facility at the southwest corner of Lafayette and Superior Streets
28 in Fort Wayne, Indiana, including costs of issuance (the
29 "Project"); and

30 WHEREAS, the diversification of industry and an increase in
31 4 jobs initially and 7 jobs within three years to be achieved by
32 acquisition and construction and equipping of the Project will be
of public benefit to the health, safety and general welfare of the
Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic
Development Commission, it would appear that the financing of the

1 Project would be of public benefit to the health, safety and
2 general welfare of the Issuer and its citizens; and

3 WHEREAS, the acquisition and construction of the faci-
4 lity will not have an adverse effect on any similar facility
5 already constructed or operating in or about Fort Wayne,
6 Indiana.

7 NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF
8 THE CITY OF FORT WAYNE, INDIANA:

9 SECTION 1. The Common Council finds, determines, rati-
10 fies and confirms the promotion of diversification of economic
11 development and job opportunities in and near Fort Wayne,
12 Indiana and in Allen County, is desirable to preserve the
13 health, safety and general welfare of the citizens of the
14 Issuer; and that it is in the public interest that Fort Wayne
15 Economic Development Commission and said Issuer take such action
16 as it lawfully may to encourage diversification of industry and
17 promotion of job opportunities in and near said Issuer.

18 SECTION 2. The Economic Development Commission in
19 recommending the project, found specifically that the project
20 will not have an adverse competitive effect on similar facilities
21 already constructed or operating in Allen County, Indiana, and
22 the Common Council has also held a hearing and specifically finds
23 that the project will not have an adverse competitive effect on
24 similar facilities already constructed or operating in Allen
25 County, Indiana.

26 SECTION 3. The Common Council further finds, deter-
27 mines, ratifies and confirms that the issuance and sale of reve-
28 nue bonds in an amount not to exceed \$2,500,000.00 of the Issuer
29 under the Act for the acquisition, construction and equipping of
30 the Project and the sale or leasing of such a financing to the
31 Applicant for such purposes will serve the public purpose
32 referred to above, in accordance with the Act.

1 SECTION 4. In order to induce the Applicant to proceed
2 with the acquisition, construction and equipping of the Project,
3 the Common Council hereby finds, determines, ratifies and con-
4 firms that (i) it will take or cause to be taken such actions
5 pursuant to the Act as may be required to implement the afore-
6 said financing, or as it may deem appropriate in pursuance
7 thereof, provided that all of the foregoing shall be mutually
8 acceptable to the Issuer and the Applicant; and (ii) it will
9 adopt such ordinances and resolutions and authorize the execu-
10 tion and delivery of such instruments and the taking of such
11 action as may be necessary and advisable for the authorization,
12 issuance and sale of said economic development bonds.

13 SECTION 5. All costs of the Project incurred after the
14 passage of this Inducement Resolution, including disbursement or
15 repayment of the Applicant of monies expended by the Applicant
16 for planning, engineering, interest paid during construction,
17 underwriting expenses, attorney and bond counsel fees, acqui-
18 sition, construction and equipping of the Project will be per-
19 mitted to be included as part of the bond issue to finance said
20 Project, and the Issuer will thereafter either sell or lease the
21 same to the Applicant or loan the proceeds of such financing to
22 the Applicant for the same purposes.



Neil E. Schulte
COUNCILMAN

23
24 APPROVED AS TO FORM AND
25 LEGALITY.
26

27 
28 John J. Wernet, Attorney for the
Economic Development Commission
29 Dated this 12th day of Dec, 1983
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31
32

Read the first time in full and on motion by GiaQuinta, seconded by Stan, and duly adopted, read the second time by title and referred to the Committee Tenner (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19_____, at _____ o'clock A.M., E.S.T.

DATE: 12-13-83

Sandra F. Kennedy
CITY CLERK

Read the third time in full and on motion by GiaQuinta, seconded by Stan, and duly adopted, placed on its passage. PASSED (LOSE) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	—	—	—	—
<u>BRADBURY</u>	<u>✓</u>	—	—	—	—
<u>BURNS</u>	<u>✓</u>	—	—	—	—
<u>EISBART</u>	<u>✓</u>	—	—	—	—
<u>GiaQUINTA</u>	<u>✓</u>	—	—	—	—
<u>SCHMIDT</u>	<u>✓</u>	—	—	—	—
<u>SCHOMBURG</u>	<u>✓</u>	—	—	—	—
<u>SCRUGGS</u>	<u>✓</u>	—	—	—	—
<u>STIER</u>	<u>✓</u>	—	—	—	—
<u>TALARICO</u>	<u>✓</u>	—	—	—	—

DATE: 12-20-83

Sandra F. Kennedy
- CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) NO. B-127-83, on the 20th day of December, 1983.

ATTEST:

Sandra F. Kennedy
CITY CLERK

(SEAL)

Barry A. Bork
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 21st day of December, 1983, at the hour of 10:00 o'clock A.M., E.S.T.

Sandra F. Kennedy
CITY CLERK

Approved and signed by me this 21st day of Dec. 1983, at the hour of 4 o'clock P.M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR. - MAYOR

BILL NO. R-83-12-08

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED AN
a Resolution
ORDINANCE FINDING, DETERMINING AND RATIFYING AN INDUCEMENT RESOLUTION
OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION AUTHORIZING THE ISSUANCE
AND SALE OF \$2,500,000.00 ECONOMIC REVENUE BONDS OF THE CITY OF FORT
WAYNE, INDIANA, FOR THE PURPOSE OF INDUCING THE APPLICANT, FORT WAYNE
ORTHOPAEDICS P.C. TO PROCEED WITH THE ACQUISITION CONSTRUCTION AND
EQUIPPING OF THE PROJECT

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

MARK E. GIAQUINTA, CHAIRMAN

Mark E. GiaQuinta

JAMES S. STIER, VICE CHAIRMAN

James Stier

JANET G. BRADBURY

Janet G. Bradbury

SAMUEL J. TALARICO

Samuel J. Talarico

DONALD J. SCHMIDT

D.J. Schmidt

*Concurrent
12-10-83 Sandra E. Kennedy*